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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,306	02/19/2004	Wen Li	2002B107E	7637

23455 7590 11/30/2006

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EXAMINER

NUTTER, NATHAN M

ART UNIT	PAPER NUMBER
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1711

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,306

Applicant(s)

LI ET AL.

Examiner

Nathan M. Nutter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-170 is/are pending in the application.
- 4a) Of the above claim(s) See Continuation Sheet is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6, 18-65, 71, 72, 74, 108, 109, 157-160, 162 and 163 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10-06/a, 10-06/b.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 08-06.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims withdrawn from consideration are 1-5,7-15,17,66-70,73,75-107,110-156,161 and 164-170.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS), submitted on 10 October 2006 and 11 October 2006, have been considered by the examiner.

Election/Restrictions

This application contains claims 1-5, 7-15, 17, 66-70, 73, 75-107, 110-156, 161 and 164-170. drawn to inventions nonelected with traverse in reply filed on 22 February 2006. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 18-65, 71, 72, 74, 108, 109, 157-160, 162 and 163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aboshi et al (US 4,041,002) taken with Kim et al (US 4,912,148), Itoh et al (US 2002/0183429) and Girotti et al (US 3,957,898).

The patent to Aboshi et al teaches the conventionality of producing a thermoplastic resin composition of polyethylene and a lubricant, which may be a

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paraffinic oil, with subsequent extrusion. Note column 2 (lines 23-34) for the paraffin employed. Extrusion is shown at column 3 (lines 63-68). Further, note Tables 1 through 5 at columns 5-14.

The reference to Kim et al shows a blend of either polyethylene or polybutene with a process paraffin oil having identical overlapping physical properties as that recited and claimed herein. Note column 3 (lines 51-68) and the Abstract.

The reference to Itoh et al shows a blend of an olefinic resin, including polyethylene or polybutene, with a softening agent that may include paraffin oils. Note paragraphs [0022]-[0026] for the polyolefin, paragraphs [0039]-[0043] for the paraffin oil. Further, note paragraphs [0098]-[0100] for properties of the oils, which overlap with those recited and claimed herein.

The reference to Girotti et al shows the conventionality of producing lubricating polyolefin paraffins having properties to those herein recited and claimed. Note column 2 (lines 1-35) and the Examples.

The references taken together show the conventionality of using a lubricant paraffin in a polyolefin blend and that such a blend is known for extrusion. The actual form, as recited herein, is not deemed to present much weight to the patentability of the instant claims since the claims are drawn essentially to the composition that the fiber may be composed. The references together demonstrate the conventionality of the additions and that paraffins, as herein claimed, are conventional for such blends, as well. Nothing has been shown that is surprising or unexpected by the instantly claimed invention.

Response to Arguments

Applicant's arguments filed 10 October 2006 have been fully considered but they are not persuasive.

With respect to the rejection of claims 6, 18-65, 71, 72, 74, 108, 109, 157-160, 162 and 163 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aboshi et al (US 4,041,002) taken with Kim et al (US 4,912,148), Itoh et al (US 2002/0183429) and Girotti et al (US 3,957,898), it is pointed out that the rejection was made under 35 USC 103 in view of all references taken together as stated. The reference to Aboshi et al shows extrusion as a suitable forming step at column 3 (lines 63-68). While Aboshi et al teach broadly the use of paraffinic oils, nothing has been shown on the record that the disclosure would not embrace those recited and claimed herein. with respect to Kim et al, the specific gravity of the oil disclosed therein is within a percent of what is being claimed herein. The rejection was not made as an anticipation. Applicants speculate, but have not shown why the process oil of Kim et al would not be suitable as regards viscosity index. With regard to the Itoh et al reference, that reference is not relied upon as anticipatory. The reference shows overlapping properties at paragraphs [0098]-[0100], which include those recited herein. It is pointed out that the reference to Girotti et al is relied upon to show the conventionality of the polyolefin lubricating paraffins, as recited herein. both Aboshi et al and Kim et al teach the composition as suitable for extrusion. Note Kim et al at the paragraph bridging column 2 to column 3. As such, the conventionality of what applicants have recited and claimed is shown by the teachings of the references.

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

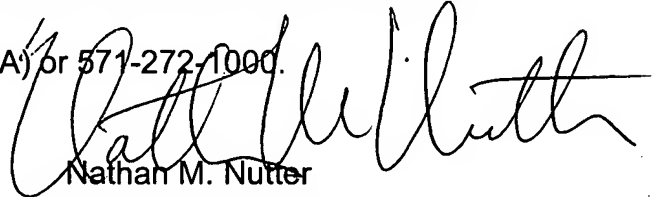
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan M. Nutter whose telephone number is 571-272-1076. The examiner can normally be reached on 9:30 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Nathan M. Nutter
Primary Examiner
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nmn

24 November 2006